

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

MITCHEL FREEMAN,)	
)	IC 05-005376
Claimant,)	IC 05-007169
v.)	
)	
KEVIN GIBSON,)	ORDER
and MELTON HOMES, INC.,)	
)	
Employers,)	FILED JULY 27 2006
and)	
)	
IDAHO STATE INSURANCE FUND,)	
)	
Surety,)	
Defendants.)	
_____)	

Pursuant to Idaho Code § 72-717, Referee Douglas A. Donohue submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant suffered a compensable accident and injury while an employee of Gibson and not an independent contractor.
2. Claimant is entitled to medical benefits amounting to \$11,718.45, and future reasonable medical care, which now anticipates removal of surgical screws.
3. Claimant failed to show entitlement to any PPI or PPD.
4. Claimant failed to show Melton Homes, Inc., was a statutory employer for

purposes of the subject accident. Melton Homes, Inc., and Surety bear no liability regarding this matter.

5. Claimant is entitled to an additional award of 10% of compensation plus costs and reasonable attorney fees under Idaho Code § 72-210.

6. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this 27TH day of JULY, 2006.

INDUSTRIAL COMMISSION

/S/_____
Thomas E. Limbaugh, Chairman

/S/_____
James F. Kile, Commissioner

/S/_____
R. D. Maynard, Commissioner

ATTEST:

/S/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on 27TH day of JULY, 2006, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following:

Richard P. Wallace
1859 N. Lakewood Drive, Ste. 201
Coeur d'Alene, ID 83814

Bradley J. Stoddard
P.O. Box 896
Coeur d'Alene, ID 83814-0896

db

/S/_____